

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 27 of 2005

SOM SINGH
V/S
SMT. TEEJO KANWAR & ANR

Mr. SURESH SHRIMALI, for the appellant / petitioner

Date of Order : 14.2.2005

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned counsel for the appellant at considerable length.

The learned Lower Appellate Court has recorded the finding about the plaintiff having not been able to prove the factum of adoption. The learned Lower Appellate Court has discussed the evidence of the plaintiff in detail, rather thread bare, and has found that apart from other things, even the consistent conduct of the plaintiff, to be continuing to mention the name of his father to be that of the natural father in education records, Ration Card, electoral voter-list, etc., and to have got it changed only in the year 1993, i.e. after passing of the order of mutation of the lands in favour of the defendants is sufficient to conclude that the plaintiff has failed to prove the fact of adoption.

In second appeal, it is not open for me to reappreciate the evidence, and to give lesser weight to particular circumstance, as compared to one given by the learned Lower Appellate Court, and to give greater weight to another circumstance, which may have been given lesser one by the learned Lower Appellate Court, and to come to a different finding.

The appeal thus, has no force, and is dismissed summarily.

(N P GUPTA), J.

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